Hanson, David L - DNR

From: Hanson, David L - DNR
Sent: Friday, November 20, 2020 3:44 PM
To: stephanie.hooper@cypressequities.com
Cc: David Bauer (david.bauer@gza.com); John Osborne; David Shute; Kevin M. Johnson; Christy Rosenberger; Hanson, David L - DNR
Subject: RE: Notice of Non-Compliance Response (BRRTS No. 03-41-552373)

Dear Ms. Hooper,

On November 19, 2020, the DNR received a response from GZA on your behalf to the DNR Notice of Non-Compliance letter, dated November 11, 2020. In regards to the response to item 1 of the letter, which states "*Within the next 7 days, November 19, submit written documentation which describes how the materials being stored at the property are in compliance with the requirements outlined in Wis. Admin. Code § NR 718.05, to protect human health and the environment.*" All the requirements outlined in Wis. Admin. Code § NR 718.05 were not addressed in the response, specifically:

1. Whether a sign is posted in compliance with NR 718.05(2)(f)
2. Whether the storage piles were inspected every 30 days in compliance with NR 718.05(2)(g)
3. Whether notification of storage for 90 days or more was provided in compliance with NR 718.05(2)(i)

We did not receive these items, however we will not pursue further enforcement of the storage non-compliance given that you are currently removing the piles, and provided you document the disposal of these piles in accordance with our letter. In that documentation submittal, you should further detail the inspection activities you took during the storage period per the 2nd bullet above.

In regards to item 2 of the letter, which states "*Within the next 14 days, November 26, submit written verification with a plan for the materials from both these stockpiles to be disposed at a licensed landfill disposal facility. We understand steps are being taken to arrange for this disposal but require a written response to document your plans to return to compliance*." This action item is considered complete as written verification was submitted on November 19th and you are currently disposing the stockpiled material at the Waste Management Orchard Ridge disposal facility.

In regards to item 3 of the letter, which states "*Within the next 30 days, December 14, submit the following: a. Documentation that this material has been disposed at a licensed landfill disposal facility; b. Documentation of the excavation activities, explaining how potential risks were identified and how they were mitigated.; c. A Post-Closure Modification request must be submitted explaining how and when the required barriers will be restored to regain compliance with the case closure letter.*" This action item is considered ongoing and we expect to receive the requested items by December 14th.

Please feel free to contact me if you have any questions. Thank you for taking steps to bring this site back into compliance.

David

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David L. Hanson
Redevelopment Specialist – Remediation and Redevelopment Program

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From: Christy Rosenberger <christy.rosenberger@gza.com>
Sent: Thursday, November 19, 2020 11:35 AM
To: Hanson, David L - DNR <David.Hanson@wisconsin.gov>
Cc: David Bauer <david.bauer@gza.com>; John Osborne <John.Osborne@gza.com>; Stephanie Hooper <Stephanie.Hooper@CypressEquities.com>; david.shute@cypressequities.com; Kevin M. Johnson <KevinJohnson@hunzinger.com>
Subject: Notice of Non-Compliance Response (BRRTS No. 03-41-552373)

Mr. Hanson-

Attached, on behalf of Dave Bauer, is the GZA/Cypress response letter to the Notice of Non-Compliance for the Bayshore Town Center property (BRRTS #03-41-552373). Please note that this letter was also uploaded to the WDNR online portal. Feel free to contact Dave with any questions.

Thank you and have a good day-
Christy

Christy Rosenberger
Lead Word Processor
GZA GeoEnvironmental, Inc.

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